

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THOMAS OKONIEWSKI,

Plaintiff,

v.

NIAGARA MOHAWK HOLDINGS, INC., THE
PRUDENTIAL INSURANCE COMPANY OF
AMERICA and PRUDENTIAL FINANCIAL,
INC.

Defendants.

STIPULATION OF DISMISSAL

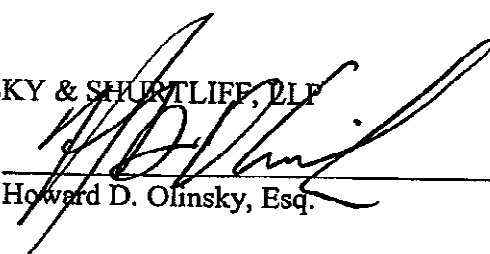
Civil Action No.: 07-CV-1105
(FJS/DEP)

IT IS HEREBY STIPULATED AND AGREED, by the undersigned attorneys of record for all the parties to the above-captioned action, as follows:

1. That no party hereto is an infant or incompetent.
2. The above-captioned action, and all of plaintiff's claims therein, shall be and are hereby dismissed with prejudice as against Niagara Mohawk Holdings, Inc., The Prudential Insurance Company of America and Prudential Financial, Inc., without costs to any party as against the others.
3. Any claims that Niagara Mohawk Holdings, Inc. may have against The Prudential Insurance Company of America and Prudential Financial, Inc. in connection with the above-captioned action, and any claims that The Prudential Insurance Company of America and Prudential Financial, Inc. may have against Niagara Mohawk Holdings, Inc. in connection with the above-captioned action, shall be, and are hereby, dismissed with prejudice.

July 1st
Dated: ~~June~~ __, 2008

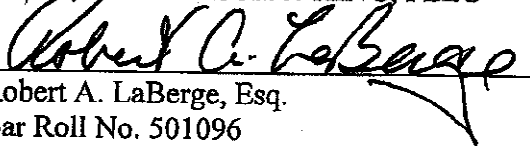
OLINSKY & SHUTTLIFE, LLP


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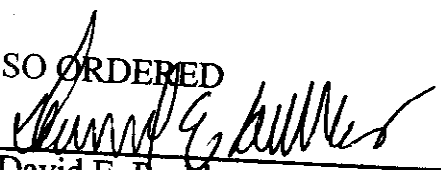
Attorneys for Defendant Niagara Mohawk Holdings, Inc.

CUYLER BURK LAW FIRM

/s/Stefano V. Calogero
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Attorneys for Defendants The Prudential Insurance Company of America and Prudential Financial, Inc.

SO ORDERED


David E. Feebles
U.S. Magistrate Judge

Dated: 8/14/08
Syracuse, New York